

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

TOMMY TUCKER MAYLE

Plaintiff,

v.

CIVIL ACTION NO. 1:19CV113  
(Judge Keeley)

CLARKSBURG POLICE  
DEPARTMENT, ET AL.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION  
[DKT. NO. 18] AND DISMISSING CASE WITHOUT PREJUDICE**

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On May 22, 2019, the pro se plaintiff, Tommy Tucker Mayle ("Mayle"), filed a complaint pursuant to 42 U.S.C. § 1983 (Dkt. No. 1), which this Court referred to United States Magistrate Judge Michael John Alois in accordance with 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B), and L.R. Civ. P. 7.02(c) and 72.01 (Dkt. No. 4). Magistrate Judge Alois' R&R recommended that the Court dismiss Mayle's complaint for failure to state a claim upon which relief can be granted under 28 U.S.C. § 1915(e)(2) (Dkt. No. 18). The R&R also specifically warned Mayle that failing to object to the recommendation would result in the waiver of his appellate rights. Id. at 5. Mayle did not file any objections to the R&R.<sup>1</sup>

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<sup>1</sup> The failure to object to the R&R not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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Consequently, finding no clear error, the Court **ADOPTS** the R&R in its entirety (Dkt. No. 18) and **DISMISSES** this case **WITHOUT PREJUDICE**.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to enter a separate judgment order and to transmit copies of both orders to the pro se plaintiff by certified mail, return receipt requested, to his last known address.

Dated: November 19, 2019

/s/ Irene M. Keeley

IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE